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09/701,160	02/15/2001	Scott Barham	TJK/135	7263

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Kelly L Cummings
Nalco Chemical Company
One Nalco Center
Naperville, IL 60563-1198

[REDACTED] EXAMINER

HRUSKOCI, PETER A

ART UNIT	PAPER NUMBER
1724	14

DATE MAILED: 08/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,160

Applicant(s)

BARHAM ET AL.

Examiner

Peter A. Hruskoci

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status1) Responsive to communication(s) filed on 16 May 2002.2a) This action is FINAL. 2b) This action is non-final.3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.**Disposition of Claims**4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.6) Claim(s) 1-15 is/are rejected.7) Claim(s) _____ is/are objected to.8) Claim(s) _____ are subject to restriction and/or election requirement.**Application Papers**9) The specification is objected to by the Examiner.10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. §§ 119 and 120**13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).a) All b) Some * c) None of:1. Certified copies of the priority documents have been received.2. Certified copies of the priority documents have been received in Application No. _____.3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).a) The translation of the foreign language provisional application has been received.15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 4) Interview Summary (PTO-413) Paper No(s) _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewellyn 5,516,435. It is submitted that Lewellyn disclose (see col. 3 lines 25-67 and col. 10 lines 15-45) a method and agent for treating Bayer process liquor as recited in the instant claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewellyn. The claims differ from Lewellyn as applied above by reciting the use of a specific amount of the combination, and the addition of the flocculent and starch together as a solution separate from the dextran, and together upstream of the dextran addition. It is well known in the art of liquid purification to regulate the amount of flocculent used

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and the sequence of addition, based on the solids content and the electrical charge of the solids being treated, respectively. It would have been obvious to one skilled in the art of liquid purification to modify the method of Lewellyn by adding the recited amount and by utilizing the separate and sequential addition, depending on the specific process liquor treated and results desired, absent a sufficient showing of unexpected results.

5. Applicants argue that Lewellyn does not teach or suggest treatment agents comprising a combination of a single water soluble synthetic flocculent, dextran, and starch, nor treating Bayer process liquor containing red mud with the same combination of three components. It is submitted that the above teachings of Lewellyn appear to suggest the use of a combination of synthetic flocculent, dextran, and starch as in the instant process. It is noted that the use of an additional synthetic flocculent is not excluded from the instant claims. Furthermore, the Bayer process liquor treated in Lewellyn appears to include red mud as disclosed in col. 11 line 10 through col. 14 line 3.

6. In regard to applicant's arguments concerning claims 4, 6, and 7, it is submitted that it is submitted that the combination of additives recited in the instant claims appear to be suggested by Lewellyn for reasons stated above. Furthermore, Lewellyn teaches in col. 10 lines 15-21 that the polymers may be added at any stage of the Bayer process.

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 305-7718.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Peter A. Hruskoci
Peter A. Hruskoci
Primary Examiner
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P. Hruskoci
August 6, 2002